IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Appl. No. 265 of 2002

1. Anshuman Dinkar
   S/o Jagdhish Singh
   R/o Village and Post Office Nagla Bhaleshwari
   P.S. Mandavar
   District Bijnor ……..Applicant

Versus

1. Additional Sessions Judge
   Second Fast Track Court, Hardwar
2. Smt. Poonam
   W/o Abhijeet Chatterjee
   R/o Quarter No. 8, First Floor
   New Building Rajghat
   Kankhal, Haridwar
   District Hardwar ……..Respondents.

Shri L.K. Tewari and Shri Dinesh Gahtori, learned counsel for the petitioner.
Shri P.S. Sone, learned A.G.A. for State.

Hon'ble Prafulla C. Pant, J.

Learned counsel for the petitioner is present.

2. None present for respondent No. 2 even after being served personally.

3. Heard.

4. By means of this petition, moved under Section 482 Cr.P.C. the petitioner has challenged the order dated 28.05.2001, passed by Additional Civil Judge (Jr. Div) I/Judicial Magistrate, Haridwar in misc. case No. 16 of 2001 and order dated 23.07.2002, passed in criminal revision No. 477 of 2001, by Additional Sessions Judge/II Fast Track Court, Haridwar, whereby the application under Section

125(3) of Cr.P.C. moved by respondent No. 2 stood disposed of.

5. Learned counsel for the petitioner, drew attention of this Court to the fact that the marriage between the petitioner and the respondent No. 2, has been dissolved by a decree of divorce dated 28.02.1998, a certified copy of the same is Annexure-1 to the present petition.

6. In view of said fact and the principle of law contained in para 22 of Ramesh Chander Vs. Veena Kaushal A.I.R. 1978 Pg. 1807, this petition is disposed of with the direction that the petitioner would be at liberty to move an application under Section 127 Cr.P.C. for modification of the order passed under section 125 Cr.P.C. I.e. order dated 11.02.1998, passed on application No. 549 of 1992 within a period of one month from today. And the impugned recovery is stayed for a period of one month, from today. The petition stands disposed of. (All pending applications in this case also stand disposed of).

Dt. 01.11.2006 **(Prafulla C. Pant, J.)**

S